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WINGATE INNS INTERNATIONAL,	:	UNITED STATES DISTRICT COURT
INC.,	:	DISTRICT OF NEW JERSEY
	:	
Plaintiff(s),	:	
	:	
-vs-	:	Civil Action No. 07-5014 (JAG)
	:	
	:	ORDER
HIGHTECH INN.COM, LLC, et al.,	:	
	:	
Defendant(s),	:	
	:	

**THIS MATTER** having come before the Court, on application of defendant, Shantu Shah for permission to file a motion for summary judgment before the expiration of discovery; and

It appearing that this Court does not permit the filing of dispositive motions before the close of fact discovery without leave of court; and

It further appearing that no such leave was obtained in this case; and

It further appearing that during the Rule 16 Scheduling Conference on March 31, 2008, the parties consented to a stay of discovery pending a decision by District Judge Greenaway on third-party defendant, Robert Loewen's motion to dismiss the Third-Party Complaint (Docket No. 32), and for good cause shown;

**IT IS on this 20<sup>th</sup> day of May, 2008,**

**ORDERED** that:

Defendant Shah's motion for summary judgment (Docket No. 59) is hereby dismissed without prejudice. Defendant Shah can refile his motion after the conclusion of discovery.

*s/Madeline Cox Arleo*

MADELINE COX ARLEO, U.S.M.J.

Original: Clerk  
cc: Joseph A. Greenaway, Jr., U.S.D.J.  
File